

PROPOSITION 206

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES BY REPEALING SECTIONS 36-601.01 AND 36-601.02; ADDING NEW SECTION 36-601.01; RELATING TO SMOKING

TEXT OF PROPOSED AMENDMENT

Sec 1. Title

This act may be cited as the "Arizona Non-Smoker Protection Act."

Sec. 2. Purpose and Intent

In order to protect children, patrons, employees, veterans, jobs, tourism and private property rights, the people of Arizona declare their intent to enact the Arizona Non-Smoker Protection Act to ban smoking in all public places and places of employment with exceptions including bars and tobacco shops.

Sec. 3. Sections 36-601.01 and 36-601.02 Arizona Revised Statutes are repealed.

Sec. 4. Title 36, Chapter 6, Article 1 is amended by adding section 36-601.01 to read:

36-601.01 Smoking in public places and places of employment; exceptions

A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN THIS SECTION, SHALL BE CONSTRUED AS DEFINED IN THIS SECTION:

1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS ANY SERVICE ON A FULL-TIME, PART-TIME OR CONTRACTED BASIS WHETHER OR NOT THE PERSON IS DENOMINATED AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE AND WHETHER OR NOT THE PERSON IS COMPENSATED OR IS A VOLUNTEER.

2. "EMPLOYER" MEANS A PERSON, BUSINESS, PARTNERSHIP, ASSOCIATION, THE STATE OF ARIZONA AND ITS POLITICAL SUBDIVISIONS, CORPORATIONS, INCLUDING A MUNICIPAL CORPORATIONS, TRUST, OR NON-PROFIT ENTITY THAT EMPLOYS THE SERVICES OF ONE OR MORE INDIVIDUAL PERSONS.

3. "ENCLOSED AREA" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING THAT IS ENCLOSED ON ALL SIDES BY PERMANENT OR TEMPORARY WALLS OR WINDOWS (EXCLUSIVE OF DOORWAYS), WHICH EXTEND FROM THE FLOOR TO THE CEILING, ENCLOSED AREA INCLUDES A REASONABLE DISTANCE FROM ANY ENTRANCES, WINDOWS AND VENTILATION SYSTEMS SO THAT PERSONS ENTERING OR LEAVING THE BUILDING OF FACILITY SHALL NOT BE SUBJECTED TO BREATHING TOBACCO SMOKE AND SO THAT TOBACCO SMOKE DOES NOT ENTER THE BUILDING OR FACILITY THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS OR ANY OTHER MEANS.

4. "HEALTH CARE FACILITY" MEANS ANY ENCLOSED AREA UTILIZED BY ANY HEALTH CARE INSTITUTION LICENSED ACCORDING TO TITLE 36 CHAPTER 4, CHAPTER 6 ARTICLE 7, OR CHAPTER 17, OR ANY HEALTH CARE PROFESSIONAL LICENSED ACCORDING TO TITLE 32 CHAPTERS 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, OR 42.

5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ENTITY, ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION, OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

6. "PHYSICALLY SEPARATED" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING WHICH IS ENCLOSED ON ALL SIDES BY SOLID WALLS OR WINDOWS (EXCLUSIVE OF DOOR OR PASSAGEWAY) AND INDEPENDENTLY VENTILATED FROM SMOKE-FREE AREAS, SO THAT AIR WITHIN PERMITTED SMOKING AREAS DOES NOT DRIFT OR GET VENTED INTO SMOKE-FREE AREAS.

7. "PLACES OF EMPLOYMENT" MEANS AN ENCLOSED AREA UNDER THE CONTROL OF A PUBLIC OR PRIVATE EMPLOYER THAT EMPLOYEES NORMALLY FREQUENT DURING THE COURSE OF EMPLOYMENT, INCLUDING OFFICE BUILDINGS, WORK AREAS, AUDITORIUMS, EMPLOYEE LOUNGES, RESTROOMS, CONFERENCE ROOMS, MEETING ROOMS, CLASSROOMS, CAFETERIAS, HALLWAYS, STAIRS, ELEVATORS, HEALTH CARE FACILITIES, PRIVATE OFFICES AND VEHICLES OWNED AND OPERATED BY THE EMPLOYER DURING WORKING HOURS WHEN THE VEHICLE IS OCCUPIED BY MORE THAN ONE PERSON. A PRIVATE RESIDENCE IS NOT A "PLACE OF EMPLOYMENT" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

8. "VETERAN AND FRATERNAL CLUBS" MEANS A CLUB AS DEFINED IN A.R.S. 4-101(7)(A)(B) OR (C).

9. "PUBLIC PLACE" MEANS ANY ENCLOSED AREA TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED, INCLUDING AIRPORTS, BANKS, BARS, COMMON AREAS OF APARTMENT BUILDINGS, CONDOMINIUMS OR OTHER MULTIFAMILY HOUSING FACILITIES, EDUCATIONAL FACILITIES, ENTERTAINMENT FACILITIES OR VENUES, HEALTH CARE FACILITIES, HOTEL AND MOTEL COMMON AREAS, LAUNDROMATS, PUBLIC TRANSPORTATION FACILITIES, RECEPTION AREAS, RESTAURANTS, RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENTS, RETAIL SERVICE ESTABLISHMENTS, RETAIL STORES, SHOPPING MALLS, SPORTS FACILITIES, THEATERS, AND WAITING ROOMS. A PRIVATE RESIDENCE IS NOT A "PUBLIC PLACE" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

10. "RETAIL TOBACCO STORE" MEANS A RETAIL STORE THAT DERIVES THE MAJORITY OF ITS SALES FROM TOBACCO PRODUCTS AND ACCESSORIES. "RETAIL TOBACCO STORE" DOES NOT INCLUDE GROCERY STORES, CONVENIENCE STORES, GAS STATIONS, GENERAL RETAILERS

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

OR SIMILAR RETAIL ESTABLISHMENTS

11. "SMOKING" MEANS INHALING, EXHALING, BURNING, OR CARRYING OR POSSESSING ANY LIGHTED TOBACCO PRODUCT, INCLUDING CIGARS, CIGARETTES, PIPE TOBACCO AND ANY OTHER LIGHTED TOBACCO PRODUCT.

12. "SPORTS FACILITIES" MEANS ENCLOSED AREAS OF SPORTS PAVILIONS, STADIUMS, GYMNASIUMS, HEALTH SPAS, BOXING ARENAS, SWIMMING POOLS, ROLLER AND ICE RINKS, BILLIARD HALLS, BOWLING ALLEYS, AND OTHER SIMILAR PLACES WHERE MEMBERS OF THE GENERAL PUBLIC ASSEMBLE TO ENGAGE IN PHYSICAL EXERCISE, PARTICIPATE IN ATHLETIC COMPETITION, OR WITNESS SPORTING EVENTS.

13. "BAR" MEANS AN ENCLOSED ESTABLISHMENT WHERE THE PRIMARY PURPOSE IS THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES. "BAR" ALSO INCLUDES A SEPARATE, ENCLOSED PART OF A LARGER ESTABLISHMENT, SUCH AS A HOTEL, POOL HALL, PRIVATE, VETERANS' OR SERVICE CLUB, RACE TRACK, RESTAURANT, OR OTHER SIMILAR ESTABLISHMENT, IF (1) THE PRIMARY PURPOSE OF THAT SEPARATE, ENCLOSED PART OF THE LARGER ESTABLISHMENT IS THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES; AND (2) THAT PART OF THE LARGER ESTABLISHMENT IS PHYSICALLY SEPARATED FROM THE REMAINDER OF THE LARGER ESTABLISHMENT BY FLOOR TO CEILING PARTITIONS AND HAS A SEPARATE VENTILATION SYSTEM.

B. SMOKING IS PROHIBITED IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE STATE OF ARIZONA, EXCEPT THE FOLLOWING:

1. PRIVATE RESIDENCES, EXCEPT WHEN USED AS A LICENSED CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

2. HOTEL AND MOTEL ROOMS THAT ARE RENTED TO GUESTS AND ARE DESIGNATED AS SMOKING ROOMS; PROVIDED, HOWEVER, THAT NOT MORE THAN FIFTY PERCENT OF ROOMS RENTED TO GUESTS IN A HOTEL OR MOTEL ARE SO DESIGNATED.

3. RETAIL TOBACCO STORES THAT PROHIBIT MINORS FROM ENTERING OR REMAINING ON THE PREMISES AND THAT ARE PHYSICALLY SEPARATED FROM SURROUNDING AREAS BY FLOOR TO CEILING PARTITIONS AND HAVE A SEPARATE VENTILATION SYSTEM.

4. VETERANS AND FRATERNAL CLUBS WHEN THEY ARE NOT OPEN TO THE GENERAL PUBLIC.

5. SMOKING WHEN ASSOCIATED WITH A RELIGIOUS CEREMONY PRACTICED PURSUANT TO THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978.

6. OUTDOOR PATIOS SO LONG AS TOBACCO SMOKE DOES NOT ENTER AREAS WHERE SMOKING IS PROHIBITED THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS, OR OTHER MEANS.

7. A THEATRICAL PERFORMANCE UPON A STAGE OR IN THE COURSE OF A FILM OR TELEVISION PRODUCTION IF THE SMOKING IS PART OF THE

PERFORMANCE OR PRODUCTION.

8. BARS AS PROVIDED IN SUBSECTION C.

C. A PERSON WHO OWNS A BAR MAY PERMIT THE SMOKING OF TOBACCO IN ALL OR PART OF THE BAR ONLY AS PROVIDED IN THIS SUBSECTION, A SUBJECT TO THE FOLLOWING:.

1. A PERSON WHO OWNS A BAR THAT PERMITS SMOKING IN ANY PART OF THE BAR SHALL NOT PERMIT A MINOR TO ENTER OR REMAIN IN THE BAR.

2. A PERSON WHO OWNS A BAR THAT PERMITS SMOKING IN ANY PART OF THE BAR SHALL POST A CONSPICUOUS SIGN AT EACH ENTRANCE TO THE BAR ADVISING PATRONS AND EMPLOYEES THAT SMOKING IS PERMITTED IN PART OR ALL OF THE BAR.

3. A PERSON WHO OWNS A BAR WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS THREE MISDEMEANOR.

D. TO PROTECT THE PRIVATE PROPERTY RIGHTS OF ALL PERSONS WHO OWN BARS AND RETAIL TOBACCO STORES IN THIS STATE, THE PEOPLE OF ARIZONA FIND AND DETERMINE A SINGLE STATEWIDE STANDARD FOR SMOKING IN BARS AND TOBACCO SHOPS TO BE A MATTER OF STATEWIDE CONCERN. IT IS DECLARED THAT THIS SECTION PREEMPTS ALL MUNICIPAL AND COUNTY LAWS, CHARTERS, ORDINANCES, RULES AND REGULATIONS RELATING TO SMOKING IN BARS AND RETAIL TOBACCO STORES.

E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN OWNER, OPERATOR, MANAGER, OR OTHER PERSON OR ENTITY IN CONTROL OF AN ESTABLISHMENT, FACILITY, OR OUTDOOR AREA MAY DECLARE THAT ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE.

F. POSTING OF SIGNS AND ASHTRAY REMOVAL.

1. "NO SMOKING" SIGNS OR THE INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORIAL REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE WITH A RED BAR ACROSS IT) SHALL BE CLEARLY AND CONSPICUOUSLY POSTED BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON IN CONTROL OF THAT PLACE IDENTIFYING WHERE SMOKING IS PROHIBITED BY THIS SECTION AND WHERE COMPLAINTS REGARDING VIOLATIONS MAY BE REGISTERED.

2. EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBITED BY THIS SECTION SHALL HAVE POSTED AT EVERY ENTRANCE A CONSPICUOUS SIGN CLEARLY STATING THAT SMOKING IS PROHIBITED.

3. ALL ASHTRAYS SHALL BE REMOVED FROM ANY AREA WHERE SMOKING IS PROHIBITED BY THIS SECTION BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON HAVING CONTROL OF THE AREA.

G. NO EMPLOYER MAY DISCHARGE OR RETALIATE AGAINST AN EMPLOYEE BECAUSE THAT EMPLOYEE EXERCISED ANY RIGHTS AFFORDED BY THIS SECTION OR REPORTS OR ATTEMPTS TO PROSECUTE A VIOLATION OF THIS SECTION.

H. AN OWNER, MANAGER, OPERATOR OR

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Issued by: Secretary of State Jan Brewer

EMPLOYEE OF PLACE REGULATED BY THIS LAW SHALL INFORM ANY PERSON WHO IS SMOKING IN VIOLATION OF THIS LAW THAT SMOKING IS ILLEGAL AND REQUEST THAT THE ILLEGAL SMOKING STOP IMMEDIATELY.

I. THIS LAW DOES NOT CREATE ANY NEW PRIVATE RIGHT OF ACTION NOR DOES IT EXTINGUISH ANY EXISTING COMMON LAW CAUSES OF ACTION.

J. A PERSON WHO SMOKES WHERE SMOKING IS PROHIBITED IS GUILTY OF A PETTY OFFENSE WITH A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN THREE HUNDRED DOL-

LARS.

K. TRIBAL SOVEREIGNTY - THIS SECTION HAS NO APPLICATION ON INDIAN RESERVATIONS AS DEFINED IN ARS 42-3301(2).

Sec. 5. Severability

If any provision, clause, sentence or paragraph of this Act or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

ANALYSIS BY LEGISLATIVE COUNCIL

Currently, state statutes provide that smoking tobacco is prohibited in certain areas and most state buildings. A person who smokes where smoking is prohibited is guilty of a petty offense. Several cities and towns also have restrictions on smoking in public places.

Proposition 206 would prohibit smoking in all public places and places of employment, except as provided by the proposition. These exceptions include:

1. Bars, including parts of restaurants, hotels and other establishments that sell alcoholic beverages and are physically separated with a separate ventilation system.
2. Retail tobacco stores that are physically separated and independently ventilated.
3. Veterans and fraternal clubs when they are not open to the public.
4. Hotel rooms designated as smoking rooms.
5. Outdoor patios.

Proposition 206 would prohibit a minor from entering a bar that permits smoking.

Proposition 206 also would prescribe notice and other requirements for operating establishments to implement the smoking restrictions. In addition, an employer could not retaliate against an employee for exercising any rights provided by the proposition.

A bar owner who violated the proposition would be guilty of a class 3 misdemeanor. Any other violation would be a petty offense.

Proposition 206 would preempt all city, town and county laws relating to smoking in bars and retail tobacco stores.

FISCAL IMPACT STATEMENT

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. State and local governments may receive additional revenues in the form of fines and penalty assessments from violators of the provisions of Proposition 206. The total amount of fines and assessments will depend on the level of compliance, which is difficult to predict in advance.

ARGUMENTS "FOR" PROPOSITION 206

Vote Yes on the Arizona Non-Smoker Protection Act.

Dear Voters,

The Arizona Non-Smoker Protection Act protects non-smokers with a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking and places signs at any bar or tobacco shop that allows smoking to protect non-smokers from entering unknowingly.

This is a responsible way to preserve individual freedom and responsibility, and easily accommodate those who prefer to stay as far away from smoke as they choose.

What is really at stake here? Freedom.

On one hand you have a radical, over the top smoking ban that would likely destroy a number of small businesses often patronized by smokers. On the other hand, you have a statewide ban on smoking, but with common-sense exceptions for separately ventilated bars and tobacco shops.

Adults should be able to decide on what kind of bar they want to frequent and small business owners should have the right to run their business as they see fit. **No one is forcing anyone to come into an establishment or to work there.**

No one likes being told what to do and when to do it, especially when you are in the minority. Non-smokers have rights, but those rights do not include the right to demand that smokers stay home. It's un-American.

Americans, and especially Arizonans, should be proud of our heritage of self-restraint, limited government and reliance on personal responsibility. That heritage includes resisting the temptation to over-regulate the lives of others, and not create new burdens on small businesses or their customers. The Arizona Non-Smoker Protect Act gives informed voters a chance to be responsible: to preserve the freedom of smokers, non-smokers and the businesses that serve both.

Please join us in Voting YES!

Mark Anthony Desimone, Chairman, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

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Tempe Smoking Ban Hurt Business
Dear Voters,

I am a former business owner in Tempe. I can tell you that, despite what the proponents of a complete smoking ban want you to believe, a total ban on smoking in Tempe put me out of business.

I understand the needs to protect non-smokers and minors, but I also believe that property owners should have the right to serve their adult customers as they see fit. The fact that I was unable to serve my clientele and offer them what they wanted is what forced us to close our doors.

That is why I am supporting Proposition 206. The Arizona Non-Smoker Protection Act protects non-smokers while preserving private property rights. This initiative would prohibit smoking in enclosed public spaces and places of employment with a few sensible exceptions such as tobacco shops and bars. This is a simple, honest, and tolerant law that takes into account those who do not want to be impacted by secondhand smoke and the businesses that rely on a smoking clientele to stay open.

This issue comes down to a choice.

- Patrons have choice. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

- Employees have choice. They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Small business owners should have the ability to preserve their investments and protect our private property rights.

Please join me in voting YES on Proposition 206!

Dave Werner, Scottsdale

Paid for by "Arizona Non-Smoker Protection Committee"

I support passage of the Arizona Non-Smoker Protection Act.

As Governor of Arizona during the largest economic growth period in our state's history, I am convinced that a low-tax and business-friendly environment are responsible for that growth. That success promises to continue, but not if misguided and extreme public policies, like a complete smoking ban, do harm to our economic potential. We should not try to create a world of over-regulation of private businesses where bar owners are needlessly forced to turn many of their customers away. That's not fair.

Fortunately, there is a balanced solution. A reasonable compromise between smokers and non-smokers is the Arizona Non-Smoker Protection Act, which would ban smoking statewide but exclude bars that choose to allow patrons to smoke. Non-smokers would be protected from a smoking environment by the owners of the bar that choose to disallow it. And smokers would have their right to choose to smoke respected by bars that allow it.

It's business owners, not government, who are best-suited to make decisions about making their hard work and investment in their businesses worthwhile and beneficial to their customers and the public.

Arizona has a long tradition of protecting individual rights and allowing businesses to thrive under their own management and decision-making, not that of the government. In fact, business owners are held even more accountable by their customers than government ever could, which makes heavy-handed government restrictions on businesses completely unnecessary. Let's let business owners offer their customers the choice.

Whether you are a smoker or not, for your own sake and to support the freedom of choice in Arizona, please vote in favor of the Non-Smoker Protection Act.

Fife Symington

Former Governor of Arizona

Fife Symington, Former Governor of Arizona, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

The most basic tenant of being a 'free' people is to respect all others as long as they don't harm anyone's person, property or the exercise of their individual rights. All-too-often there are special interests, government administrators looking for another 'revenue stream' or just plain busybodies who want tell us how to live, as if they had a better 'plan' for your life. Are you as sick of them as I am? I hope so, and that's why I'm asking you to support "The Arizona Non-Smoker Protection Act".

There are two other propositions on the ballot for your consideration and I'm asking you to reject them because they are the handiwork of people who think you need another law to tell you how to live—and they want more of your money. On the other hand, I actually trust YOU to be courteous, respectful and mindful of your fellow Arizonans.

It's not hard to figure out the mindset of those who would attempt to con you into helping them legitimize the use of brute government force to outright ban a totally legal activity or to impose a tax on a specific group of people.

"The Arizona Non-Smoker Protection Act" respects the rights of the individual to a smoke-free public sector, while respecting the property rights of private business owners to decide whether or not they will offer smoking permitted accommodations to their customers. It's both fair and practical, and it doesn't require more of your money.

Please join me in supporting "The Arizona Non-Smoker Protection Act". Stand up for our individual rights and

liberties by rejecting the other two propositions that only do violence to the very notion of 'freedom'.

Barry Hess, Libertarian Candidate to Replace the Governor, www.HessForGovernor.Com.

Glendale

Paid for by "Arizona Non-Smoker Protection Committee"

Businesses Should Have the Right to Choose

Dear Voter,

I believe that a business owner should have the right to serve the customers of his or her own choosing. Adults should be able to decide on what kind of place they want to frequent and small business owners should have the right to run their business as they see fit. No one is forcing anyone to come into any establishment or to work there.

That is why I am supporting the Arizona Non-Smoker Protection Act. It is the only one that protects non-smokers while preserving private property rights.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking – while preserving the adult choice to decide on what kind of establishment they want to frequent.

Patrons have choice. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

Employees have choice. They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed.

This act creates a fair statewide standard which protects small businesses, jobs, and one of Arizona's largest industries, tourism while protecting minors and non-smokers.

Please join me in supporting the Arizona Non-Smoker Protection Act.

Carol Springer, Yavapai County Supervisor, Prescott

Paid for by "Arizona Non-Smoker Protection Committee"

Argument FOR Arizona Non-Smoker Protection Act

Dear Voters,

I am not a smoker. However, I think that these issues have more to do with the proper role of government than they do about smoking.

I am a supporter of individual choice and a limited government that protects our freedoms and respects personal responsibility. I believe that there is a responsible way to preserve individual freedom and responsibility, while accommodating non-smokers who prefer to stay far away from smoke.

The Arizona Non-Smoker Protect Act is the better smoking law because it preserves the freedom of non-smokers, smokers and private property owners. It protects non-smokers with a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking and places signs at any bar or tobacco shop that allows smoking to protect non-smokers from entering unknowingly.

The government should not be in the business of telling private property owners how to run their business if they choose to allow a legal activity such as smoking. The choice should be left to the business owner who will let the market decide.

Adults should have the right to decide on what kind of establishment they want to frequent. **No one is forcing anyone to come into an establishment or to work there.**

It is a reasonable law that allows for choice.

Please join me in voting Yes.

Representative Russell Pearce, Arizona House of Representatives, Mesa

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters:

One of the many benefits of living in a democracy is our ability to participate in the political process and freely make our views known in a way that impacts public policy.

As executive vice president of R.J. Reynolds Tobacco Company, one public policy issue I am increasingly concerned about is the proliferation of smoking bans that make no exceptions for adult-only venues like bars.

We urge those who share our concern to support Proposition 206, an act that is a common-sense approach. Proposition 206 provides significant protection for non-smokers while allowing smoking in a limited number of venues such as bars, tobacco shops and private clubs. It's a fair, reasonable, and tolerant statewide law.

In many cities where comprehensive smoking bans have become law, they have led to business, revenue and job losses. In our view, business owners, who serve only adult customers, should be free to establish their own smoking policies.

Just as adult customers are free to make a decision about entering establishments that allow smoking, employees can also decide whether they want to work around smokers. Those who are concerned about the potential health impact of secondhand smoke are free to seek employment in any of the thousands of restaurants and bars that voluntarily ban smoking on their own.

The bottom line is Proposition 206 is a common sense solution that will protect non-smokers, children, smok-

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ers, and small businesses. On November 7, vote yes on proposition 206...it's the best choice for Arizona.

Tommy J. Payne, Executive Vice President, External Relations, R.J. Reynolds Tobacco Company,
Winston-Salem

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voters,

We are writing you today to encourage you to support Proposition 206, a simple, honest, fair, tolerant, and reasonable smoking plan that balances the rights of non-smokers with the rights of private property owners. It's a better choice that allows adults to make adult decisions while protecting children.

Arizona Licensed Beverage Association (ALBA), the State trade association for liquor retailers, represents the entire range of retail liquor licensees, including bars, restaurants, service and veterans clubs and anyone else who sells liquor to consumers. Most of our members are small, independent business people, hoping to make a living and leave something to their kids. We remain steadfast in our belief that property owners and business people should have a right to control their property and their business.

We certainly understand that many non-smokers simply do not want to be around smoking because they find it offensive or they have concerns about secondhand smoke. We respect the rights of these people, and we support those business owners, including many of our members, who choose to distinguish themselves from others by catering to a non-smoking clientele. Taking away this ability to decide how to serve your customers harms all business owners.

That is why we strongly support Proposition 206. Proposition 206 is a uniform statewide smoking ban that bans smoking where children are permitted, while allowing bar owners, where kids aren't allowed, to choose whether they will allow smoking in their bar. Proposition 206 does not increase taxes and does not increase the size of government.

We believe that Proposition 206 is a better law that allows for choice. Please join us and the small businesses that we represent in voting YES on 206.

Bill Weigle, President, Arizona Licensed Beverage Association, Tempe

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

One of the most polarizing debates in America today is that between smokers and non-smokers. There are many arguments for one side or another on this issue, but I think a common ground can be found that will be acceptable to everyone.

I am a non smoker. I don't like to smell smoke and I don't like to be around it. However, I think that there should be a common ground solution that is in line with the American spirit of compromise and takes into account the realities of life in Arizona.

A common sense policy is exactly what is offered in Proposition 206. The Arizona Non-Smoker Protection Act allows the majority of the population to have the non-smoking environment that health concerns demand. The act is aptly named because it achieves the dual goal of protecting the health of citizens who do not wish to be exposed to tobacco smoke while allowing smokers a public place to peaceably assemble.

It should provide meaningful solutions that are acceptable to both sides of the debate.

I honestly think that this policy would be best for all of Arizona. Please join me in voting YES.

Raymond L. "Skip" Graham, Dewey

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

I am life-long Arizona resident concerned about the direction of our state and how our government is taking too much control of our individual rights and freedoms. That is why I have made an important decision to support the Arizona Non Smoker Protection Act.

I believe it is vital we maintain right of individuals and small businesses to make an honest living. To me it is not a smoking or non-smoking issue, it is about personal choice. I have managed to raise 6 children and live 75 years without the aid of government. I do not choose to have them overseeing my basic rights as a citizen at this point in my life.

The small business owner should have the same ability as has always been, to reserve the right to refuse service to anyone. "No shirts, no shoes, no service", is a phrase we are all familiar with. That was the decision of the individual business owner, not the government and it's worked so far.

Arizona has an obligation to its citizens to act in EVERYONE'S best interests, not just some. Arizona has always been the trailblazer, independent thinker, and our state is regarded for that. Californians voted to allow their government to oversee their health, and maybe that's working for them. Arizona is not, and doesn't want to be the next California, that's why we need to maintain our own voice.

The Non Smoking Protection Act will keep our freedoms intact by offering a reasonable smoking policy for all Arizonans. It is important for us to maintain our basic freedom of choice and protect small business owners by voting YES on the Arizona Non Smoking Protection Act.

Linda January, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

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Issued by: Secretary of State Jan Brewer

Protecting Freedom for Veterans and Everyone else

Dear Voters of Arizona,

James Madison once said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

As a Veteran, I fought for freedom and liberty. However, I now see that here at home, we are now under threat of Government restrictions of freedom through the gradual regulation of behavior.

We don't need the government to tell adults what they can and can't do. I fought for the right to make choices for myself.

This issue is about choice even for bar employees. Just like a person chooses to be a firefighter, a coal miner, a delivery driver, construction worker, or my own personal choice to be in the military – there are factors that need to be considered when you are taking the job.

Ultimately, workers can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed. If a worker does not want to work in an establishment that allows smoking, they have the right to find another job. In the same way, a bar owner should have the right to operate their business as they see fit.

So, please join my in preserving freedom by voting YES on the Arizona Non Smoking Protection Act.

Dennis McCorry, Sun City

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voter,

As a Veteran, I encourage you to support the Arizona Non-Smoker Protection Act to preserve adult choice. We as adults should have the right to decide on what kind of establishment we want to frequent.

Solving the public smoking issue with a sensible plan is the American way. We must protect the rights on non-smokers, but make room for sensible policies which allow adult smokers some limited freedom too.

This is the kind of freedom that I fought for.

The Arizona Non Smoker Protection Act preserves private property rights, allowing the establishments to make the choice on whether they want to permit or prohibit smoking.

We as Arizonans need to resist the temptation to put restraints on the lives of others and not create new burdens.

The Arizona Non-Smoker Protection Act gives voters a chance to be responsible by preserving the freedom of smokers, non-smokers, and the establishments that serve both. Join me in supporting a fair statewide standard that protects our rights and freedoms.

Art Grosch, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter:

I write to you today on a matter of sincere concern for my community and the whole state of Arizona. As a small business owner, I am well aware of the pressing need to respect the wishes and interests of all my customers. These concerns are never more prevalent than the debate on smoking bans.

As a former elected public official, I recognize that this issue is a heated one and that a lot of talk will not win anyone over. That is why I support a common sense approach to the issue; an approach offered in the Arizona Non-Smoker Protection Act. I support this measure because it is a real and effective change that preserves freedom and adult choice while addressing the concerns of those opposed to the use of tobacco products.

In brief, this group's proposed initiative would ban smoking in public places with the exception of bars and tobacco shops. Only bars which are closed off from other areas, and have a separate ventilation system, would be able to allow smoking.

Under this measure,

Patrons have a choice. Any bar can cater to its clientele by choosing to remain non-smoking, if that is what their adult patrons' desire; and

Employees have a choice. They can choose to work in a bar which allows smoking, or in one that prohibits smoking. Either way, they will know in advance whether smoking is allowed or prohibited before accepting employment.

Again, I support this common sense approach to establishing a smoking policy in Arizona.

Pat Conner, Yuma

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

When it comes to freedom, I have some pretty strong opinions. As far as I'm concerned, a blatant smoking ban is a violation of some of the basic freedoms that Americans hold dear.

As a Veteran, I made a commitment to defend freedom and preserve the American way. I am doing that again today by supporting The Arizona Non Smoking Protection Act.

The Arizona Non-Smoker Protection act is a rational, common sense smoking policy. What they want to do is put in place a smoking ban for all public places, but still allows a highly selective group of places like bars to choose to allow smoking. It's a smart way to give non-smokers what they want while defending freedom and

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preserving adult choice.

That's what I fought for!

The Arizona Non Smoker Protection Act is a clear and reasonable solution for the people of Arizona.

Scott Ogborn, Tonopah

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voter:

I am pleased to announce my support of the Arizona Non-Smoking Protection Act because it will work on behalf of small business owners to preserve our investments and protect our private property rights.

It is reasonable to believe we would all want a reasonable law prohibiting smoking in all places where individuals and minors are able to go, while preserving the right of bar and tobacco shop owners to provide separately ventilated and walled off smoking areas if they so choose.

This is a realistic approach to the problem. The Arizona Non-Smoking Protection Act would prohibit smoking in nearly all public places, but takes the common sense approach of allowing bars and tobacco shops to allow smoking areas where minors are not allowed.

This is a smart plan that protects minors, non-smokers, business owners, and most importantly, it will respect the rights of all individuals in our state.

Please vote yes!

John W. Dawson, Chairman & CEO, The Scottsdale Plaza Resort, Scottsdale

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voters of Arizona,

As small business owners, we have learned over time to allow the market and our customers to dictate the kind of business and amenities we offer. We have allowed trends to determine how we serve our clientele.

We should have the choice to continue making these decisions into the future –especially when it comes to smoking. That is why we are supporting the Arizona Non Smoker Protection Act to preserve choice.

There are two main reasons I support this:

1. Patrons should have a choice. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.
2. Owners and Employees should also have a choice. They can choose to own or work in a bar which allows smoking, or a bar which prohibits smoking.

We do not need the government to tell adults what they can and can't do. Let's allow people to make the choice for themselves. As long as tobacco is a legal substance the choice should be ours. Help protect everyone's private property rights.

Mary Kaffer, Co-owner of Sage and Sand, Yuma

Paid for by "Arizona Non-Smoker Protection Committee"

Support Reasonable Laws that Don't Hurt My Business

Dear Voters of Arizona,

I am supporting Proposition 206 because it's a reasonable law that allows adults to make adult decisions. I am not a smoker, but I understand that a significant portion of my clientele does and I need to make sure that I can cater to them.

As part of our weekly schedule, we currently hold a Poker tournament. It is a chance to people to get together to play cards, drink, and smoke. Poker is very popular right now, and it has made Monday nights one of the most successful nights of my week. Proposition 206 will allow me to keep this night intact and allow me to continue my business.

On the other hand, if we pass a comprehensive ban such as the one posed by Smoke-Free Arizona, I will see all my business leave for the Indian Casinos where these smoking laws will not apply. Nearly a million people in Arizona live within 5 miles of an Indian Casino – the fact that they will still be able to allow smoking will definitely hurt businesses across the state.

Our businesses do not need to be hurt any worse than they already are. It's a fact that the last thing businesses like bars in our community need is another thing to keep customers away.

Proposition 206 is what is best for our town, its businesses, and all of Arizona. Please join me in supporting the reasonable and fair choice.

Randy L. Kadavy, Glendale

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters,

I am a non-smoker and I am voting YES on Proposition 206 to protect my freedom of choice. There will be people out there that will try to cloud this issue. They will say a lot of things in an attempt to rationalize taking away your right to choose. No matter how you look at it, a prohibitive ban will be a chip away at the rights that we hold so dear.

That is why we must preserve choice by voting Yes on 206.

The other smoking law is a complete ban that is un-American and limits people's right to choose. If we allow

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such heinous infringements on our rights to continue unchecked, there is no telling what someone might try next. Next time, what will be keeping special interests from taking away your rights?

I don't smoke, so I will stay away from bars that have smoking. It's as simple as that. I will know where they are because of the signage, and I will be able to make the choice for myself and my family.

That is why we need to stop all this nonsense here and now and make a rational choice that is fair to everyone. We need to protect our freedom of choice! Vote YES ON 206.

Keri Roth, Tempe

Paid for by "Arizona Non-Smoker Protection Committee"

Stand up for Freedom!

Voters of Arizona:

The people of Arizona need to know that when it comes to a smoking ban it doesn't have to be all or none. Groups like Smoke-Free Arizona have pushed a blatant ban for all of Arizona. But that's not the way we do things around here.

Having Freedom and Choice is part of what it means to be an American.

I'm the owner of the Six Shooters Sports Bars and a small business owner. I don't make people come into my bar, and I don't make people work here. So why should someone else tell me what kind of establishment I should run?

It's about time that Arizona takes a common sense approach to its smoking policy. A blatant ban will not respect the rights of all Arizonans and would jeopardize hundreds of small businesses.

There is an alternative.

The Arizona Non-Smoker Protection Act is offering a reasonable smoking policy on the ballot this November. Only bars which are closed off from other areas, and have a separate ventilation system would be able to allow smoking. It is a reasonable, common sense approach. I encourage all Arizonans to vote YES on the Non Smoker Protection Act.

Rick Forbes, Scottsdale

Paid for by "Arizona Non-Smoker Protection Committee"

This is About Freedom!

Dear Voter,

I am proud to live in America where we are free to do what we want as long as we aren't hurting others.

That is why I support the Arizona Non-Smoker Protection Act. It is a comprehensive and clear policy for the whole state that bans smoking in public places, but still permits smoking in a few limited places where minors are not allowed to go.

There is no doubt that smoking in Arizona is a big deal. When it comes to this election, however, the choice isn't really about smoking, but rather about Freedom. On this upcoming question, you will have the choice between a blatant ban and a reasonable restriction.

Arizona needs a common sense smoking policy that gives people a place to smoke, while protecting the rights of the majority of us non-smokers. That policy is The Arizona Non-Smoker Protection Act.

Hut Hutson, Tempe

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

I have been following closely the hotly debated issue on smoking in public places. As a worker in a smoking environment, I am very concerned that my ability to choose where I work will be taken away from me through more government intervention. I am relieved to know that the Arizona Non Smoker Protection Act will allow individuals like myself the freedom to decide where I want to work.

The Arizona Non Smoker Protection Act will allow individuals like myself the choice to work in either a smoking or non-smoking environment. It is the type of flexibility workers and small business owners need to continue to make a living and contribute back to our community. It is a reasonable approach to providing options for all Arizonans.

Whether you are a smoker or non-smoker, the Arizona Non Smoker Protection Act is our best option when it comes to protecting our individual rights and the rights of the small business owner.

I strongly urge everyone to Vote YES on the Non Smoker Protection Act.

Gloria McGovern, Lake Havasu City

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters,

It is understandable that I get up in arms when people start talking about passing blatant smoking bans in Arizona. My customers aren't shy about their opinions on any smoking ban that would prevent them from having the freedom to make a choice on the kind of establishment they want to frequent.

What Arizona needs is a common sense approach to the issue of smoking, one that will respect the right of all smoking and non-smoking Arizonans, while providing an ample amount of choice in our local economy.

That's where the Arizona Non-Smoker Protection Act comes in. What they propose is a smoking ban in pub-

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lic places but provides highly limited exceptions for places like tobacco shops and bars.

I strongly support this group and recognize that its efforts are in the best interest of Arizonans. The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking – while preserving the adult choice to decide on what kind of establishment they want to frequent.

It's a good plan for everyone. Join me in voting YES!

Donna Rumfola, Flagstaff

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

As a member of the hospitality industry and the owner of a restaurant and bar in Safford, I am encouraging you to vote YES on the Arizona Non Smoker Protection Act.

The Arizona Non-Smoker Protection Act protects non-smokers while preserving private property rights. This initiative would prohibit smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

I am part of the coalition of organizations and small businesses in Arizona who want to establish a common sense and widely acceptable smoking policy. While I think that we should protect minors and non-smokers, I also believe that it is imperative that we preserve adult choice. Adults should have the right to decide on what kind of establishment they want to frequent.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. Please join me in voting YES!

Robin Cantrell, Thatcher

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voters,

I work in a bar. It's a good profession and I like the people I work with and the people I meet. I know what kind of environment I work in, and I knew about it when I started there.

If I wanted or needed to work in a smoke-free workplace, I would have chosen a non-smoking restaurant/bar. There are plenty of them around. When people walk into the bar, they know the environment that they are entering. More importantly, they choose to be in that environment.

Proposition 206 allows adults to make that choice while protecting non-smokers and children. Proposition 206 is a uniform statewide smoking ban that allows adults to make adult decisions.

I understand that people don't want to be around smoke, and they don't want to be near second hand smoke. There should be places for those people, but there should also be places where smokers can go and I think that giving bars a choice is a reasonable and tolerant solution.

Please join me in voting Yes on 206.

Chelsea Ridout, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

Let's use some common sense.

Dear Editor,

Arizona desperately needs a common sense approach to a smoking ban. We need a fair, balanced, reasonable solution. As someone personally and financially interested in these matters, I think we need a more reasonable approach.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. Only bars which are closed off from other areas, and have a separate ventilation system would be able to allow smoking. *A bar is not required to change from non-smoking to smoking – and no customer is forced to enter a smoking establishment.*

The issue comes down to **Adult Choice**. Adults choose what they eat, what they wear, where they work, and what they want to do with their time. They should have a choice as patrons about what kind of place they want to go. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

As the owner of the Empty Pockets Saloon, I strongly support the Arizona Non Smoker Protection Act. They are compelling and account for the realities of business in Arizona.

Robert Adley Smith, Holbrook

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

A small business owner faces many challenges every day. From what I should serve, to the events my customers want, I am always looking for the best way to serve my clientele.

No matter how you feel about it personally, it cannot be denied that the people in Arizona who do smoke make up an important part of my customer base. I depend upon their business to keep my business going and because of that I know that the last thing they want is to not be able to smoke in my bar.

Smoking bans do not just affect the business outlook for members of Arizona's bars, but they also directly

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question the owner's rights to run a business and serve his or her customers. A complete smoking ban in Arizona would be devastating to my business. The smokers would simply leave my establishment and head out to the Indian Reservation to smoke in their bars and casinos.

We need a compromise that balances the rights of non-smokers and smokers. That's where the Arizona Non-Smoker Protection Act comes in. It is smoking policy that bans smoking from all public places, but allows for reasonable exceptions like bars and tobacco shops. This plan protects children and non-smokers while allowing adults to make up their own minds.

For the future of my business, please join me in Voting Yes on Prop 206.

David Wimberley, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters,

I am a non-smoker, and want my children to sit in a smoke free restaurant for dinner, but I also like my freedoms as an American. NO ONE has to go to a bar, and children are not even allowed to in there, so why not allow smoking? If I don't want to be in that environment, there are plenty of places that I can go where I don't have to breathe in smoke.

What if someone was allergic to perfumes? Would the government ban them? How about someone allergic to peanuts, should we halt all peanut production? The answer is NO!

We have something FREEDOM in the country. I am free to pick where I want to go. No one in the government needs to help me make that choice by restricting other people's FREEDOMS. Too much time and effort is spent on these trivialities.

Prop 206 does enough to protect children and non-smokers. It's a sensible plan that we all should support.

Robert R. Dwyer, Scottsdale

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

I am not a fan of smoking laws. Prohibitions usually fail to recognize the serious concerns of business owners, their workers, and the preferences of their customers. However, I am also realistic and I know that a smoking law will be adopted this upcoming election.

That being the case, I am supporting the Arizona Non Smoker Protection Act because it does the best job of preserving freedom while protecting the folks that don't want to smoke.

In general, smoking bans ignore and abuse the rights of business owners and their patrons. However, I have found that the Arizona Non Smoker Protection Act stands up for the jobs and rights of Arizona small business owners and workers. It is a plan that prohibits smoking without abusing the rights of businesses and ignoring the realities that exist.

My interest in this matter comes from my position as a worker in a bar. I know firsthand that customers like mine will either not go out or do so less often if they can not smoke. I also know that I am not alone; many other businesses like mine would face similar hardships if a total smoking ban goes into effect. I made the adult choice to work in a place, and I don't need the government to tell them how to run their business to protect me.

Employees have choice. They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed.

Please join me in voting YES on the Arizona Non Smoking Protection Act

Marlene Gastineau, Tucson

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

Smoking is a big deal and sometimes it is hard for people to talk about it. As a bar worker I know this from first hand experience. I don't know how many times I've tried to talk to my customers about it, and everyone has their own opinion.

I am well aware of the concerns about smoking and so are my fellow employees. We've made the adult decision to work in a bar and so our customers have made a similar decision when it comes to the choice to smoke. It's a reality of where we work that customers who smoke are a vital part of business.

The best option for Arizona is that proposed in the Arizona Non Smoker Protection Act. We need a reasonable smoking policy for all of Arizona. It would prevent smoking in all public places, yet would take into account the realities of life by making exceptions for places like a bar.

I really want everybody out there reading this to take the time to think about what makes the most sense for everyone involved. I'm certain that the Arizona Non Smoking Protection Act is the best answer for Arizona.

Paula Johnson, Tucson

Paid for by "Arizona Non-Smoker Protection Committee"

To: Interested Voters

Freedom of Choice is an American privilege, so intended by the founders of our great country. That is the purpose for which so many of our people have fought and died over the past two hundred thirty years. Usage of tobacco, which is a legal substance, is not the issue in this statement. Individual rights are being infringed upon

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and that is a frightfully serious charge to every citizen of our country. The non-smokers are being protected under current laws and regulations. Those who wish to smoke are already informed of all the necessary cautions and warnings, and have designated areas for that activity. However, any one who wishes to smoke should have the freedom to so choose and is entitled to the space in which to indulge in their choice. Non-smokers are entitled to their decision and can choose whether they wish to frequent the space designated for the smokers. Extended laws are not needed, and government interference in the rights of our citizens is not necessary to secure the freedoms we are privileged to have and fight and die to retain. Vote YES on this proposition and NO! NO! NO! on the Smoke-free.

Lois Richards, Scottsdale

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voter,

As a Veteran and a longtime citizen of Arizona, I support the Arizona Non Smoker Protection Act to preserve private property rights while protecting non-smokers. The proposition is a reasonable and consistent statewide non-smoking law that preserves adult choice.

I fought for my country to preserve freedom and make sure that everyone would be able to make choices for themselves. I did not fight to support government bans and restrictions on freedoms.

The act protects minors by preventing them from entering any establishment that allows smoking. The act protects non-smokers by only allowing smoking in bars where there is a designated smoking area with a separate ventilation system. The act gives future employees the choice on whether to work in a bar which permits smoking or in a bar which prohibits smoking.

Giving people options and reasonable regulation is what our government is about. We fought and died to protect these rights.

I encourage all Arizonans to support the Arizona Non-Smoker Protection Act to preserve our freedoms. Vote YES for Freedom!

Bill Burke, MSGT/USAF, Peoria

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters,

I own a Bar/Nightclub in Arizona with smoking patrons. Hundreds of other family owned bars have the same situation.

- We pay taxes.
- We invested hard earned dollars in our businesses.
- We depend on customer's discretionary dollars to survive or lose business with possible bankruptcy.
- We desire a business environment allowing customer choices.
- Outdoor Smoking areas may not be feasible logistically.

My concern is understandable when people talk about passing blatant smoking bans. My customers also aren't shy about their opinions on smoking bans preventing them the freedom to make choices on establishments they want to frequent.

Arizona needs a common sense approach to the smoking issue, one respecting the rights of Arizonans, while providing adult choices. Arizona's Non-Smoker Protection Act proposes smoking bans in public places but provides highly limited exceptions for places like tobacco shops and my bar.

This is a good, fair act for businesses catering to adults.

Acknowledging:

- Smoking is legal.
- Businesses with adult clientele choose to be a non-smoking or smoking establishment. Business economics and **FREE** enterprise dictate this.
- Adults choose businesses they patronize.
- Employees choose working in non-smoking/smoking establishments.
- America: **FREEDOM** of running my private business, protected by the constitution, without private interest groups/individuals enforcing personal views.

I strongly support this Act and recognize its efforts are in the best interest of all smoking/non-smoking consumers and businesses. The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering establishments that allow smoking – while preserving adult choices on establishments they frequent.

It's a good plan for everyone. It protects **FREEDOM** for individuals and businesses alike to make choices. Join me in voting YES!

Marcia Wahlgren, a non-smoker, Peoria

Paid for by "Arizona Non-Smoker Protection Committee"

To the voters of Arizona,

I am in support of the non-smokers protection act for numerous reasons, none the least of which is the manner in which each person can decide for themselves if they want to patronize a smoking establishment or not, a fundamental right of our free society guaranteed in our constitution.

The initiative allows for those establishments to enact non-smoking sanctions thus ensuring their own per-

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centage of increased patronage as those who don't want to be around smoking will enjoy those places of business smoke free.

This act further blankets the state in a uniform rule governing smoking and eliminates the need for conflicting local regulations and therefore less cost to the taxpayer for enforcement.

Lastly, not only are property rights protected (as the individual business owner can be free to wall off designated smoking/non-smoking areas as clientele demands) but allows the individual worker to decide where he wants to work and under what conditions; a right protected by our constitution.

I urge all voters to join me in voting for the non-smokers protection act as the best and only right method to protect all citizens whether for or against smoking.

Susan E. Compton, Tucson

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Arizona Voters and Veterans,

I remember not too long ago when it was perfectly legal to go and smoke just about anywhere but in a hospital. Back when I was in the military, the Government used to give me cigarettes in my rations. Well, those days are rapidly ending.

And you know what? I am okay with that. I accept that there are some places that should be no-smoking because it is a common place shared by non-smokers, minors, and other people.

However, I think there are some places that should be allowed to preserve the right to choose. I fought for that right, and I think I deserve a few places that I can go to enjoy a beer and an occasional cigarette if I so choose.

Bars seem to be the last refuge for people who smoke in public and the appropriate place to preserve this choice. That's why I am supporting the Arizona Non Smoking Protection Act.

This act creates a fair statewide standard which protects small businesses, jobs, and one of Arizona's largest industries, tourism while protecting minors and non-smokers. It's a smart choice that preserves the public places that everyone uses, while giving me a place to go.

Richard Park, Glendale

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

Arizona politics is an interesting and bizarre thing. As the worker in a bar there are certain matters of politics that I can't help but be interested. One of those issues is smoking.

Smokers make up an invaluable part of my customer base. I am keenly aware of their interests and the portion of my overall clientele that they represent. I choose to work in this establishment, and I know the ramifications of making this choice.

I could choose to work in a non-smoking bar if I wanted to. However, I am free to make this choice, and I think people should be free to make the choice to smoke, if they want.

I work in a bar, not some place full of kids. I serve adults who can make adult decisions. The Arizona Non Smoking Protection Act helps protect kids and non-smokers by prohibiting smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

To those people trying to make the government look out for me and my safety: Thanks but no thanks. I am an adult and I can make my own choices. Other people should too! Vote Yes.

Denise Bauldry, Sun City

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

I have been a bartender for several years. When I went into this profession, I knew the kind of environment that I would be working in. I recognized the fact that smoking patrons may come along with the territory. I chose to work in this environment. If I had everything to do over, I would still choose to work in this environment.

If I wanted or needed to work in a smoke-free workplace, I would have chosen a non-smoking bar. I work at the place I work because it has an eclectic mix of customers that keep the bar interesting. We have a great core of customers that come from the locals and people visiting the area. When people walk into the bar, they know the environment that they are entering. More importantly, they choose to be in that environment.

The Arizona Non Smoking Protection Act preserves that choice while protecting the rights of Non-Smokers. A total ban will hurt me more than it could ever help me. It is bad for me. It is bad for my customers. Please Vote YES on the Arizona Non Smoker Protection Act. Also, I am a former smoker.

Laura Anderson, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voter,

I own a tobacco shop. I serve my adult clientele by offering them the legal products that they want to purchase. I don't force anyone to enter my store and I don't force anyone to use tobacco.

The most important aspect of being an American is having the freedom of choice to engage in legal behavior in public places. The great State of Arizona has a long and proud history of respecting the rights of all individu-

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als, both smokers and non-smokers alike. I also respect the rights of all individuals and I believe that rather than banning smoking everywhere we should all have the freedom to choose whether or not to patronize an establishment that allows smoking.

Proposition 206 is a balanced law that protects non-smokers and children by banning smoking in most public places with a few exceptions, including bars and tobacco shops. It is a uniform statewide standard.

Proposition 206 is smart and reasonable. It takes a good idea and makes it practical.

Please VOTE YES.

Bart Gerber, Phoenix

Paid for by "Arizona Non-Smoker Protection Committee"

Dear Voters,

People in Arizona need to make sure they get their facts straight on the smoking initiatives that will be on the upcoming ballot. One of the laws is a blatant outright ban, which restricts freedom and eliminates choice. There is a better choice for voters this November.

The better choice is the Arizona Non Smoking Protection Act. It will prohibit smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

The Arizona Non Smoking Protection Act is a smoking law that actually makes sense. It's a plan that would replace the patchwork series of smoking policies in Arizona and set a single standard for the whole state. It also provides choice.

Workers and patrons can choose to be in a bar which allows smoking, or in a bar that prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed while respecting the rights of each individual.

This just plain makes sense.

I hope you will join me and hundreds of other small business owners in voting YES.

Mario Lizarraga, Florence

Paid for by "Arizona Non-Smoker Protection Committee"

We should protect choice!

People in Arizona still smoke. It seems like this shouldn't need to be stated, but I write today because I fear that such common knowledge is simply being ignored. As the owner of the Margarita Bay Bar, I'm telling you it's true.

When people go to bars and clubs they like to smoke. Not everyone does, but that isn't the point. The reality of the situation is that a comprehensive smoking ban would severely hurt the hospitality industry, its many employees in the state of Arizona, and the families of those people.

What's needed is a smoking policy that takes these realities into account and makes sense; a policy that bans smoking in public places, but makes the necessary and appropriate exemptions for bars and tobacco shops.

The best choice for this is the policy put forth by Arizona Non-Smoker Protection Committee. It's a common sense approach that effectively prohibits smoking while accounting for the realities of life in Arizona.

I ask that all of my fellow Arizonans take the interests and good of the hospitality industry in mind as well as the need for a common sense approach on this issue when considering any possible smoking policy for Arizona.

There are numerous bars in a variety of venues that do not allow smoking so non-smokers can enjoy a drink in a smoke free environment. As for the issue of smoke in the work place, my non-smoking employees are aware of the so called hazards of second hand smoke yet choose to work here and are supportive of this policy.

Another concern of mine is that I don't have the option of building an outdoor patio to accommodate smokers as many other bars are doing. This puts me at competitive disadvantage.

join me in voting YES

Dennis Murphy, Margarita Bay Inc., Tucson

Paid for by "Arizona Non-Smoker Protection Committee"

ARGUMENTS "AGAINST" PROPOSITION 206

ER DOCTOR SAYS "NO ON 206"

The health risks of exposure to second-hand smoke have been proven by hundreds of scientific studies over the past 20 years. So you would think that an initiative that would restrict smoking in restaurants would promote our health. But the so-called Arizona Nonsmokers Protection Act is a wolf in sheep's clothing, and would be better entitled "The Tobacco Industry's Heart Attack and Cancer Promotion Act."

This weak act, funded by the tobacco industry, has four major problems. First, it allows smoking in "separately ventilated" sections of restaurants. Ventilation does not protect workers in such areas (as documented recently by the American Society of Heating, Refrigeration, and Air Conditioning Engineers) and will not prevent toxic smoke from drifting into the "nonsmoking" sections. Second, it allows smoking in bars, endangering both patrons and employees. Third, this act has no method of funding or provision for enforcement, allowing for non-compliance without penalty. Fourth, this initiative contains a preemption clause that rescinds portions of smoke-free laws already in place in several local communities.

In recent years, the citizens of some 18 states have won true protection from second-hand smoke. The peo-

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ple of Arizona deserve the same. Unfortunately, the Arizona Nonsmokers Protection Act fails to protect our health and should be defeated.

Keith Kaback, M.D., Emergency Physician, Tucson

American Lung Association of Arizona Says Vote "NO" on Proposition 206

For years, the tobacco industry has attempted to mislead Americans. Now, tobacco giant RJ Reynolds is specifically targeting Arizonans with a watered-down, deceptively-titled initiative called the Arizona Non-Smoker Protection Act. Their concern is not the welfare of Arizonans, but rather their own bottom line.

What RJ Reynolds vigorously tries to keep out of the public forum are the facts about the dangers of second-hand smoke:

- Waiters and waitresses have almost twice the risk of lung cancer due to involuntary exposure to environmental tobacco smoke (ETS).
- Secondhand smoke is associated with serious health effects including retarded fetal growth, asthma, lower respiratory infections, lung and nasal cancer, and heart disease.
- Each year environmental tobacco smoke (ETS) kills approximately 53,000 Americans.
- Secondhand smoke exposure increases the risk of bronchitis and pneumonia in children. The Environmental Protection Agency (EPA) estimates that between 150,000 and 300,000 of these cases in infants and young children are attributable to exposure to secondhand smoke every year.
- 17% of lung cancers among adult nonsmokers can be attributed to high levels of secondhand smoke during childhood and adolescence.

After looking at the facts, we know that there is no safe level of exposure to a Group A carcinogen such as secondhand smoke. By opposing this initiative, you will support the right of all Arizonans to breathe clean air and lead longer, healthier lives. Please join the American Lung Association of Arizona, American Cancer Society, American Heart Association and the Arizona Hospital and Healthcare Association in OPOSSING this harmful initiative.

Charles Finch, D.O., Co-Chair, Arizona Board,
American Lung Association of Arizona,
Scottsdale

Keith Kaback, M.D., Co-Chair, Arizona Board,
American Lung Association of Arizona, Tucson

Paid for by "American Lung Association of Arizona/New Mexico"

Health Groups Say Vote "NO" on Proposition 206

As the largest voluntary health organizations committed to eliminating heart disease, cancer and respiratory illness, the American Cancer Society, American Lung Association, American Heart Association as well as the Arizona Hospital and Healthcare Association are adamantly opposed to Proposition 206, RJ Reynolds's Non Smokers Protection Act. We ask you to join with our thousands of volunteers and supporters in Arizona and vote "NO" on this proposition.

Proposition 206 is a self-interested, loophole riddled initiative funded by the tobacco industry. This measure won't protect nonsmokers or our health, but rather protect the profits of the tobacco companies. Smoke-Free Arizona is the only measure that would create smoke-free workplaces for every Arizonan and ensure a healthy future for our children. The goal of Proposition 206 is to keep Arizonans smoking in restaurants, bars and other workplaces. It's about tobacco company profits, not the protecting the public's health.

This misleading initiative would actually:

- Allow smoking in parts of restaurants, bowling alleys and hotels where alcohol is sold as well as in bars.
- Rollback existing smoking protections in communities throughout Arizona including Tempe, Prescott, Flagstaff and Sedona.
- Provide for no designated enforcement agency for implementing and enforcing the law.
- Prevent local communities from passing future health protections against secondhand smoke.

The science is clear: There is no safe level of exposure to secondhand smoke. The American Cancer Society, the American Lung Association, the American Heart Association, the U.S. Surgeon General, the U.S. Centers for Disease Control and Prevention as well as countless other health groups all agree that separating smokers and nonsmokers in the same airspace is not effective. Please don't be misled by this deceptive initiative. Vote "NO" Proposition 206.

Sincerely,

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

Paid for by "Smoke Free Arizona Campaign"

American Cancer Society Urges "NO" Vote

Secondhand smoke is a public health hazard that causes cancer, heart disease and respiratory illness. Proposition 206 claims it removes secondhand smoke by using ventilation instead of prohibiting smoking in restaurants, bowling alleys and other establishments where alcohol is sold. The tobacco industry sponsor of Proposition 206 knows that ventilation technologies do not protect patrons against the harmful effects of breathing secondhand smoke. They are only interested in confusing voters about the measure that truly will protect us, Smoke-Free Arizona. The truth is the only way to keep smoke out of nonsmoking sections is to completely eliminate smoking indoors.

The evidence shows that ventilation is ineffective and costly. No U.S. science agency has found that ventilation systems reduce secondhand smoke exposure on-the-job to an acceptable level. Even manufacturers and sellers of air

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filtration technologies admit that their products do not protect consumers from the health risks imposed by secondhand smoke. Estimates for creating dual ventilation systems to separate smoking areas as required by Proposition 206 are from \$30,000 to \$50,000. How many small businesses can afford that? Proposition 206 does not protect the rights of nonsmokers but rather will continue to allow for smoking in our restaurants, bowling alleys, pool halls and bars.

The American Cancer Society believes that all Arizonans have the right to breathe smoke-free air. History has shown us that smoke does not know to stay in a "designated smoking section" and simply separating smokers from nonsmokers does not work. Please vote "NO" on Proposition 206.

John Craft, Vice President of Prevention & Early
Detection, American Cancer Society, Great
West Division, Fountain Hills

Sharlene R. Bozack, Vice President of
Government Relations, American Cancer
Society, Great West Division, Tempe

Paid for by "American Cancer Society"

**Argument against Proposition 206
Economic Impact**

The tobacco industry and other supporters of Proposition 206 claim by exempting bars they are protecting these businesses from the economic impact of going smoke-free. This is a false argument. NO state and municipality that has passed a smoke-free air law has seen a negative economic impact as a result of the law. In fact, *no scientifically valid study has proven that smoke-free laws negatively affect the bar industry.* In New York, the number of bars in the state increased by 3.5% after their smoke-free law went into effect. In California, restaurant and bar receipts have increased each year since its smoke-free law was enacted in 1997.

One look at the details of Proposition 206 and it is clear why RJ Reynolds, one of the largest tobacco companies in the world, is spending hundreds of thousands of dollars to support its passage.

The reason the tobacco industry is fighting a strong law and supporting Prop. 206 is based on a different but completely valid economic truth - when strong smoke-free laws are passed, people smoke fewer cigarettes. That hurts the tobacco industry's bottom line. In other words, Proposition 206, if passed, would protect the tobacco industry's profits while continuing to allow workers and the public to be exposed to the deadly chemicals in second-hand smoke.

The American Heart Association knows Arizonans will see through RJ Reynolds' smokescreen and support the one initiative - Proposition 201 - which protects all Arizonans from secondhand smoke. Proposition 201 is the only initiative supported by the American Heart Association, American Cancer Society, the American Lung Association and the Arizona Hospital and Healthcare Association. Vote No on Proposition 206, and Yes on Proposition 201.

Sincerely,

Karen LaPolice Cummins, Senior Vice
President of Phoenix, Denver, Hawaii,
American Heart Association, Scottsdale
Paid for by "American Heart Association, Inc."

Mary Lee Hyatt, Vice President, Heart and
Stroke Initiatives, American Heart Association,
Phoenix

PROPOSITION 206

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BALLOT FORMAT

PROPOSITION 206

PROPOSED AMENDMENT BY INITIATIVE PETITION

OFFICIAL TITLE

AN INITIATIVE MEASURE
AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES BY REPEALING SECTIONS 36-601.01 AND 36-601.02; ADDING NEW SECTION 36-601.01; RELATING TO SMOKING

DESCRIPTIVE TITLE

PROHIBITS SMOKING IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT; EXEMPTS BARS WITH SEPARATE VENTILATION SYSTEMS THAT PROHIBIT MINORS, PRIVATE RESIDENCES, TOBACCO STORES, DESIGNATED HOTEL/MOTEL ROOMS, VETERANS/FRATERNAL CLUBS, NATIVE AMERICAN CEREMONIES, AND OUTDOOR PATIOS; REQUIRES NO SMOKING SIGNS; PREEMPTS LOCAL REGULATIONS; ESTABLISHES PENALTIES FOR VIOLATIONS.

PROPOSITION 206

A "yes" vote shall have the effect of prohibiting smoking in all public places and places of employment while exempting bars that prohibit minors and have separate ventilation systems, private residences, tobacco stores, designated hotel/motel rooms, veterans and fraternal clubs, Native American religious ceremonies, and outdoor patios, and will prohibit minors in bars that allow smoking and will require no smoking signs be posted where smoking is prohibited.

YES ☐

A "no" vote shall have the effect of retaining the current laws regarding smoking in public places and places of employment and leaving current municipal smoking regulations in place.

NO ☐

PROPOSITION 206

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